

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-9364 of 2016(O&M)
Date of decision: 16.12.2016

Parmod Bansal and others

-----Petitioner (s)

V/s

State of Punjab and others

-----Respondent(s)

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

Present:- Mr.N.S. Dandiwal, Advocate for the petitioner.

Mr.Sultan Singh Gill, DAG, Punjab.

Mr.Prashant Jain, Advocate for
Ms.Anupriya Advocate for
respondents No. 2 and 3.

Mr.Dinesh Nagar, Advocate
for the applicants in CRM No.38384-2016.

HARI PAL VERMA, J.(Oral)

CRM No.38384-2016

Prayer made in the instant application filed under Section 482 Cr.P.C. is for impleading the applicants, namely, Mr.Avtar Singh son of Mohan Lal, resident of House No.125, DR. Ambedkar Basti, Rahon, Distt. SBS Nagar and Ms. Neelam Kumari daughter of Ashok Kumar, resident of Village Mahadpur, Police Station Hazipur, Distt. Hoshiarpur as petitioners in the aforesaid case.

After arguing for some time, learned counsel for the applicants wishes to withdraw the instant application, however, with liberty to file independent petition seeking quashing of FIR on the basis of compromise.

Dismissed as withdrawn with liberty as aforesaid.

CRM-M-9364 of 2016

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.62 dated 29.03.2015 under Sections 420, 380 and 120-B IPC, registered at Police Station Div.No.8, Jalandhar, Distt. Jalandhar City(Annexure P-1) and all consequential proceedings arising therefrom on the basis of compromise dated 01.01.2016 (Annexure P-2).

This Court vide order dated 16.03.2016 had directed the parties to appear before Illaqa Magistrate/trial Court to get their statements recorded with regard to compromise and the Illaqa Magistrate/trial Court was directed to submit its report qua the genuineness of the compromise.

Pursuant to the aforesaid order dated 16.03.2016, the parties have appeared before learned Judicial Magistrate Ist Class, Jalandhar and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has forwarded report dated 26.04.2016 to the effect that the parties have willfully settled their differences and reached at a bona fide compromise without any pressure and the same is genuine.

The statement made by respondent No.3-*Piara Singh son of Mahinder Singh* before the learned Magistrate on 11.04.2016, reads as under:-

“Stated that I am working as go-down Keeper of Chinar Forge Ltd. Focal Point Jalandhar and I have got registered FIR no.62 dt. 29.03.2015 under Section 380, 420, 120-B IPC Police Station, Div. no.8, Jalandhar against accused namely Parmod Bansal son of Satpal Bansal, Neeraj Goyal Son of Roshan Lal Goyal, Surinder Partap son of Narinder Bahadur, Naresh Jindal son of Sham Lal Jindal, Naveen Goyal son of Suresh Chand Goyal and Avtar Singh son of Mohan Lal. Now with the intervention of

respectables matter has been compromised between Sh.Sheetesh Vij Managing Director of Chinar Forge Ltd. Focal point Jalandhar and accused Neeraj Goyal, Surinder and Parmod Bansal through Sh. Ashwani Dixit Director of M/s Accord Furnishing Pvt. Ltd. Mohan Nagar, Gaziabad. The said compromise has been effected by said Ashwani Dixit on his behalf and on behalf of his employees and business associates namely Neeraj Goyal, Surinder and Parmod Bansal. The copies of said compromise deeds are Ex. C1 and Ex.C2. The said compromise are genuine and effected voluntarily with free consent of the parties and without any kind of pressure, force, threat and coercion and undue influence form any quarter. So in view of the voluntarily compromise with the above said accused persons, I do not want to proceed with the present FIR. Now we have no grudge against the said accused and I have no objection if the present FIR is quashed against accused Parmod Bansal, Neeraj Goyal and Surinder Partap. I have also placed on record photo copy of my voter card as Ex.C4 as my identity proof. There are only six persons namely Parmod Bansal son of Satpal Bansal, Neeraj Goyal son of Roshan Lal Goyal, Surinder Partap son of Narinder Bahadur, Naresh Jindal son of Sham Lal Jindal, Naveen Goyal son of Suresh Chand Goyal and accused Avtar Singh arrayed as accused in the present FIR and no accused is proclaimed offender person in this case nor anyone is absconding. I identify the accused present in the court.”

Apart from the above statement made by respondent No.3- *Piara Singh*, similar statement was also suffered by *Sheetesh Vij son of Shital Vij* aged about 32 years, MD of Chinar Forge Ltd. (respondent No.2), whereby he has shown no objection to the FIR being quashed. There is nothing on record to doubt the genuineness of the compromise, as arrived between the parties. Thus, no useful purpose would be served to continue with the proceedings in the instant FIR.

Learned State counsel as well as learned counsel for respondents No.2 and 3 do not dispute the factum of compromise entered between the parties.

Accordingly, following the principles laid down by the Full Bench judgment of this Court in **Kulwinder Singh and others v. State of Punjab and another, 2007 (3) RCR (Criminal) 1052 (P&H)**, as approved by the Hon'ble Supreme Court in **Gian Singh vs. State of Punjab and others, (2012)10 SCC 303**, this petition is allowed and FIR No.62 dated 29.03.2015 under Sections 420, 380 and 120-B IPC, registered at Police Station Div.No.8, Jalandhar, Distt. Jalandhar City(Annexure P-1) and all consequential proceedings arising therefrom are quashed qua petitioners in view of the compromise dated 01.01.2016 (Annexure P-2).

16.12.2016
Anjal

[HARI PAL VERMA]
JUDGE

Whether speaking/reasoned? ***Yes***

Whether reportable? ***Yes/No***